

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

This Document Relates to:)

1:14-cv-12905-RWZ: Epperly v. Insight Health Corp., *et al.*)
1:14-cv-12908-RWZ: McFarlane v. Insight Health Corp., *et al.*) MDL No. 1:13-md-2419-RWZ
1:14-cv-12910-RWZ: Smith v. Insight Health Corp., *et al.*)
1:14-cv-12916-RWZ: Kalinoski v. Insight Health Corp., *et al.*)
1:14-cv-12917-RWZ: Filson v. Insight Health Corp., *et al.*)
1:14-cv-12919-RWZ: Bradley v. Insight Health Corp., *et al.*)
1:14-cv-12924-RWZ: Foutz v. Insight Health Corp., *et al.*)
1:14-cv-12927-RWZ: Whitlow v. Insight Health Corp., *et al.*)
1:14-cv-12928-RWZ: Harris v. Insight Health Corp., *et al.*)
1:14-cv-12929-RWZ: Smith v. Insight Health Corp., *et al.*)

**INSIGHT HEALTH CORP.'S RENEWED MOTION FOR LEAVE TO AMEND ITS
RESPONSES TO REQUESTS FOR ADMISSION AND TO SUPPLEMENT INSIGHT
HEALTH CORP.'S MOTION FOR RECONSIDERATION OF PARTIAL SUMMARY
JUDGMENT**

ORAL ARGUMENT REQUESTED

Defendant Insight Health Corp. ("Insight"), by and through its undersigned counsel, respectfully moves this Court for entry of an order (1) permitting Insight to amend responses to certain requests for admission in ten (10) cases in recognition of Insight's position as a health care provider as a matter of law as alleged in the Complaints and (2) reconsidering orders granting partial summary judgment based entirely on the current erroneous responses to those requests for admission. Insight seeks this relief in order to ensure that all the cases accurately reflect Insight's position as a health care provider and to ensure that all Plaintiffs with suits against Insight are situated equitably.

The grounds for this this motion are more fully stated in Defendant Insight Health Corp.'s Renewed Motion for Leave to Amend Its Responses to Requests for Admission and to Supplement Insight Health Corp.'s Motion for Reconsideration of Partial Summary Judgment, also filed this day.

WHEREFORE Insight respectfully moves this Court to enter an order providing the following relief:

1. That Insight Health Corp.'s Motion for Leave to Amend Its Responses to Requests for Admission regarding Requests Nos. 1 and 2 be granted;
2. That Insight Health Corp. be deemed to be a health care provider as contemplated in Virginia Code § 8.01-581.1;
3. That Insight Health Corp.'s Motion for Reconsideration of Partial Summary Judgment be granted; and
4. That the orders granting partial summary judgment in the ten cases subject to Insight Health Corp.'s Motion be vacated.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Insight respectfully requests a hearing on this motion at the Court's earliest convenience.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), Insight hereby certifies that its counsel met and conferred with opposing counsel in good faith to resolve and narrow the issues before filing this motion.

Dated: July 21, 2014
Richmond, Virginia

CERTIFICATE OF SERVICE

I, Samuel T. Towell, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on July 21, 2014.

Dated: July 21, 2014 /s/ Samuel T. Towell
Samuel T. Towell

Respectfully submitted,

/s/ Samuel T. Towell

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